

# Memorandum

**TO:** Honorable Mayor &  
City Council

**FROM:** Toni J. Taber, CMC  
Acting City Clerk

**SUBJECT:** The Public Record  
October 11, 2013 – October 17, 2013

**DATE:** October 18, 2013

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## ITEMS FILED FOR THE PUBLIC RECORD

- a. LAFCO and County of Santa Clara Assessor's Report regarding Certificate of Completion dated October 16, 2013, superseding Certificate of Completion dated 10/7/2013 recorded as Document No. 22408452 on 10/7/2013 (Snell No. 30 (Martial-Cottle Park Annexation).
- b. Letter to Mayor Reed and the City Council from David Wall dated October 17, 2013, regarding "*Has Mayor Reed become "Captain Ahab" chasing the "white whale of employee vested rights?"*"
- c. Letter to Mayor Reed and the City Council from David Wall dated October 17, 2013, regarding "Why should Public Safety Dispatchers wear "uniforms?"
- d. Notice of Pacific Gas and Electric Company Application to recover forecasted costs with California's Greenhouse Gas Emissions Reduction Program for End-Users of Natural Gas (A.13-09-015).
- e. E-mail to Mayor Reed and City Council from Brian Darby dated October 14, 2013, regarding Urban Village Land Use/Winchester Ranch Mobile Home Community.
- f. E-mail to the City Manager Debra Figone from Brian Darby dated October 14, 2013, regarding Mobile Home Sale/Winchester Ranch Mobile Home Park.

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Toni Taber, CMC  
Acting City Clerk

TJT/kc

Honorable Mayor and City Council Members

October 18, 2013

Subject: The Public Record: October 11, 2013-October 17, 2013

Page 2 of 2

Distribution:	Mayor/Council	Director of Transportation
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	Director of Planning	City Auditor
	City Attorney	Director of Finance



PUBLIC RECORD a  
**CONFORMED COPY:** This document has  
not been compared with the original.  
**SANTA CLARA COUNTY CLERK-RECORDER**

Doc#: 22416496  
10/16/2013

1:34 PM

### CERTIFICATE OF COMPLETION

I, Neelima Palacherla, Executive Office of the Santa Clara County Local Agency Formation Commission, issue this Certificate of Completion pursuant to Government Code Sections 57200 and 57201.

I hereby certify that I have examined **Resolution No. 76734** for the a reorganization attached hereto and have found this document to be in compliance with Government Code Section 56757 authorizing cities within the County of Santa Clara to assume authority over certain changes I government organization.

The name of the City is: **San Jose.**

The entire City is located in Santa Clara County.

The Change of organization completed is a **REORGANIZATION** which includes annexation to the City of **San Jose** and detachments from the following:

**Santa Clara County Central Fire Protection District  
County Library Service Area**

**This document supersedes  
Certificate of Completion dated  
10/07/2013 recorded as Document  
No. 22408452 on 10/07/2013.**

A map and description of the boundaries of the change of organization are appended hereto.

The title of this proceeding is: **Snell No. 30 (Martial-Cottle Park Annexation)**

The City has completed all the conditions imposed by the Commission for inclusion of the territory in the City's Urban Service Area.

The change of organization was ordered subject to the following terms and conditions: **NONE.**

The date of adoption of the City Resolution ordering the reorganization is **6/18/2013.**

I declare under the penalty of perjury in the State of California that the foregoing is true and correct.

Dated: 10/16/13

  
Neelima Palacherla, Executive Officer  
LAFCO of Santa Clara County of Santa Clara

*Attachments: City Resolution, Legal Description (Exhibit A) and Map (Exhibit B)*

70 West Hedding Street • 11th Floor, East Wing • San Jose, CA 95110 • (408) 299-5127 • [www.santaclara.lafco.ca.gov](http://www.santaclara.lafco.ca.gov)

COMMISSIONERS: Pete Constant, Cindy Chavez, Sequoia Hall, Margaret Abe-Koga, Linda J. LeZotte, Mike Wasserman, Susan Vicklund Wilson

ALTERNATE COMMISSIONERS: Johnny Khamis, Yoriko Kishimoto, Terry Trumbull, Cat Tucker, Ken Yeager

EXECUTIVE OFFICER: Neelima Palacherla

RESOLUTION NO. 76734

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ ORDERING THE REORGANIZATION OF CERTAIN UNINHABITED TERRITORY DESIGNATED AS SNELL NO. 30, SUBJECT TO LIABILITY FOR GENERAL INDEBTEDNESS OF THE CITY**

WHEREAS, a petition for the annexation of certain territory to the City of San José and detachment of said territory from Central Fire Protection and Area No. 01 (Library Services) County Service Special Districts, which territory consists of approximately 258.94 gross acres generally surrounded by Branham Lane to the north, Barron Park Drive to the west, Chynoweth Avenue to the south, and Snell Avenue to the east (APNs 464-06-019, 464-06-020, and 464-06-022), has been filed by the County of Santa Clara Parks and Recreation Department and State of California Department of Parks and Recreation; and

WHEREAS, the distinctive short form designated by the territory proposed to be reorganized is **Snell No. 30**; and

WHEREAS, said territory is uninhabited and all owners of land included in the proposal consent to this annexation; and

WHEREAS, Section 56757 of the California Government Code states that the Local Agency Formation Commission shall not review an annexation proposal to any city in Santa Clara County of unincorporated territory which is within the urban service area of the city if initiated by resolution of the legislative body, and, therefore the City Council of the City of San José is now the conducting authority for said annexation proceedings; and

WHEREAS, the City of San José, by its City Council Resolution No. 76651 adopted June 4, 2013 duly initiated reorganization proceedings for annexation and detachment of certain uninhabited territory and set the time and place for consideration of such reorganization in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as the same may have been amended to date; and

WHEREAS, California Government Code Section 56662(a) provides that if a petition for annexation is signed by all owners of land within the affected territory, the

City Council may approve or disapprove the annexation and detachment without public hearings; and

WHEREAS, the reason(s) for the proposed reorganization, as set forth in the City's Resolution No. 76651 initiating reorganization proceedings is to annex territory such that the facilities within the territory can obtain City of San José municipal services to implement park improvements; and

WHEREAS, the following special districts would be affected by the proposed annexation: Central Fire Protection and Area No. 01 (Library Services) County Services Districts; and

WHEREAS, the proposed annexation would provide for the use of City Services; and

WHEREAS, the City's Resolution No. 76651 fixed June 18, 2013 at 1:30 p.m., in the Council Chambers of the City of San Jose, City Hall, 200 East Santa Clara Street, San Jose, California, as the date, time and place that the City Council would consider said reorganization; and

WHEREAS, the regular County assessment roll is utilized by the City; and

WHEREAS, land and improvements within the territory shall be liable for the general indebtedness of the City of San José existing at the time of annexation; and

WHEREAS, the environmental impacts of this project were addressed by a Final Environmental Impact Report entitled, "Envision San José 2040 General Plan," and findings were adopted by City Council Resolution No. 76041 on November 1, 2011; and

WHEREAS, the following facts pertain to the findings required by the Council in accordance with Government Code Section 56757:

1. The unincorporated territory proposed for reorganization is within the City's Urban Service Area, as adopted by the Santa Clara Local Agency Formation Commission.
2. The County Surveyor has determined the boundaries of the proposed reorganization to be definite and certain, and in compliance with the Santa Clara County Local Agency Formation Commission's road annexation policies.
3. The proposal does not split lines of assessment or ownership in that all affected parcels are being organized in their entirety.

4. The proposal does not create islands or areas in which it would be difficult to provide municipal services in that the completion of reorganization proceedings would result in the reduction of an existing county pocket of unincorporated territory.
5. The proposal is consistent with the City's adopted General Plan in that: the zoning designation of the subject territory will be A - Agricultural District upon annexation to the City of San Jose in accordance with Section 20.120.310 of Chapter 20.120 of Title 20 (Zoning Ordinance) of the San Jose Municipal Code; A - Agricultural zones are conforming zoning districts under any General Plan designation; and the proposed use of the subject territory as a historic agricultural park closely aligns with the General Plan designation of the site as Open Space, Parklands and Habitat.
6. The territory is contiguous to existing City limits.
7. The City has complied with all conditions imposed by the Commission for inclusion of the territory in the City's Urban Service Area as follows: No such conditions imposed.
8. This proposal includes annexation to the City of San José of 258.94 acres of certain territory that is subject to a Williamson Act Contract, and the City of San Jose intends to succeed to the contract pursuant to Section 51243, 56856.5, & 56889 of the California Government Code.

WHEREAS, evidence pertaining to the proposed reorganization was presented to the City Council at the City Council's public hearings on this matter.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF SAN JOSE HEREBY FINDS:**

1. That it is the conducting authority pursuant to Section 56757 of the California Government Code for the annexation of property designated "**Snell No. 30,**" more particularly described in Exhibit "A" and more particularly shown upon that certain map attached hereto as Exhibit "B", both of which exhibits are incorporated herein by this reference;
2. That the following findings are made by the City Council for the City of San José:
  - a. That said territory is uninhabited and comprises approximately 258.94 gross acres.
  - b. That the annexation is consistent with the orderly annexation of territory within the City's urban service area and is consistent with the City policy for annexation when providing City services.

- c. That the City Council has determined that the environmental impacts of the annexation proposal are analyzed under and addressed by that Final Environmental Impact Report entitled, "Envision San José 2040 General Plan," together with related Council Resolution No. 76041 adopted November 1, 2011, and the City Council has considered and approved said Environmental Impact Report and Resolution No. 76041 prior to taking action on this annexation.
  - d. That the subject territory will be zoned A - Agricultural District within the City of San Jose immediately upon annexation in accordance with Section 20.120.310 of Chapter 20.120 of Title 20 (Zoning Ordinance) of the San Jose Municipal Code.
  - e. That the territory is within the City's urban service area as adopted by the Local Agency Formation Commission of Santa Clara County.
  - f. That the County Surveyor has determined the boundaries of the proposed annexation to be definite and certain, and in compliance with the Commission's road annexation policies.
  - g. That the proposed annexation does not split lines of assessment or ownership.
  - h. That the proposed annexation is consistent with the City's General Plan.
  - i. That the territory to be annexed is contiguous to existing City limits.
  - j. That the City has complied with all conditions imposed by the Commission for inclusion of the territory in the City's urban service area.
3. That all affected local agencies that will gain or lose territory as a result of this reorganization have not submitted written opposition to the waiver of protest proceedings.
4. That all property owners have been provided written notice of this proceeding and no opposition has been received.
5. That those 258.94 acres of certain territory with APN(s) 464-06-019; -020; and -022 are subject to a Williamson Act Contract, and the City of San Jose succeeds to the contract pursuant to California Government Code Sections 51243, 56856.5, & 56889.
6. That the City of San Jose will succeed to all rights, duties and powers of the County under the Williamson Act Contract for the Property.

7. That no services shall be provided by the City of San Jose to the Property for use during the remaining life of the Williamson Act Contract for land uses or activities not allowed under the contract.
8. That the City of San Jose shall adopt the rules and procedures required by the Williamson Act as necessary, including but not limited to the rules and procedures required by Government Code sections 51231, 51237, and 51237.5.
9. That said annexation is hereby ordered without any further protest proceedings pursuant to Section 56662(c) and (d) and is subject to the following additional terms and conditions: None.

**BE IT FURTHER RESOLVED** that upon completion of these reorganization proceedings the territory reorganized will be taxed on the regular County assessment roll, including taxes for existing bonded indebtedness, and that the City Council hereby takes the additional following actions:

1. The City Council hereby orders the territory designated as **Snell No. 30** reorganized to include the following changes of organization: (a) the designated territory **Snell No. 30** is detached from the Central Fire Protection and Area No. 01 (Library Services) County Services Districts; and (b) the designated territory **Snell No. 30** is annexed into the City of San José. The City of San José, as conducting authority, reorganized such territory as indicated above it being found and concurred in that the territory involved in the reorganization is uninhabited and all the owners of land within the territory have filed a written petition for the City Council to initiate said reorganization.
2. The City Council hereby succeeds to the Williamson Act Contract on the 258.94 acres of certain territory with APNs 464-06-019, 464-06-020, and 464-06-022 pursuant to California Government Code Sections 51243, 56856.5, and 56889.
3. The City Council further hereby describes the exterior boundaries of the territory reorganized as all that real property in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

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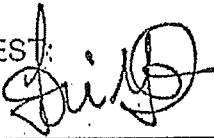
ADOPTED this 18<sup>th</sup> day of June, 2013, by the following vote:


AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,  
KHAMIS, LICCARDO, NGUYEN, OLIVERIO, ROCHA;  
REED.  
NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

ATTEST:

  
TONI J. TABER, CMC  
Acting City Clerk

  
CHUCK REED  
Mayor

The foregoing instrument is  
a correct copy of the original  
on file in this office.

Attest:

TONI J. TABER  
Acting City Clerk  
Acting City Clerk of the City of San Jose  
County of Santa Clara, State of California

Attachment: Exhibits "A" and "B"

100% Consent Ord.Res.

By , Deputy

## EXHIBIT "A"

ANNEXATION TO THE CITY OF SAN JOSE  
 SNELL NO. 30  
 (MARTIAL-COTTLE PARK ANNEXATION)

GEOGRAPHIC DESCRIPTION

All that certain real property situated in the County of Santa Clara, State of California, lying within Rancho Santa Teresa, being described in Grant Deeds recorded in Document No. 17588462 and Document No. 17588463, Official Records of Santa Clara County more particularly described as follows:

BEGINNING at a point in the City Limits Line of the City of San Jose as established by the annexation to the City of San Jose entitled "Snell No. 26" recorded on February 16, 1983 in Document No. 7600856, Official Records of Santa Clara County, said point lying on the northern line of said "Snell No. 26" annexation from which the northeast corner of said annexation bears South 89°38'06" East, 1105.03 feet;

Thence along said City Limits Line and the lines of that certain Record of Survey filed October 30, 2012, in Book 856 of Maps at Page 42 (856 M 42), Santa Clara County Records, the following four (4) courses:

- (1) North 89°38'06" West, 2381.23 feet;
- (2) South 00°13'54" West, 160.81 feet;
- (3) South 22°30'43" West, 382.00 feet;
- (4) South 09°25'25" East, 989.56 feet to the northerly line of the annexation to the City of San Jose, Resolution No. 75963, known as "Downer No. 11" recorded on August 30, 2011, as Document No. 21295014, Official Records of Santa Clara County;

Thence leaving the lines of said "Snell No. 26" annexation and continuing along the northerly line of said "Downer No. 11" and the lines of said 856 M 42, the following three (3) courses:

- (5) North 89°57'46" West, 638.51 feet to the beginning of a non-tangent curve, concave to the south, having a radius of 3131.15 feet, a radial line to the radius point bears South 23°28'12" West;
- (6) Northwesterly and westerly along the arc of said curve 796.31 feet through a central angle of 14°34'17" to a point of non-tangency;
- (7) North 84°20'24" West, 210.33 feet to the easterly line of the annexation to the City of San Jose entitled "Downer No. 8";

Thence leaving said northerly line of the "Downer No. 11" annexation and continuing along the easterly line of said "Downer No. 8" annexation and the lines of said 856 M 42, the following course:

(8) North  $18^{\circ}48'27''$  East, 563.05 feet to the southeastern corner of the annexation to the City of San Jose known as "Downer No. 6";

Thence leaving the lines of said "Downer No. 8" annexation and continuing along the easterly line of said "Downer No. 6" annexation and the lines of said 856 M 42, the following three (3) courses:

(9) North  $18^{\circ}48'27''$  East 775.37 feet;

(10) North  $18^{\circ}53'24''$  East, 254.06 feet;

(11) North  $13^{\circ}00'53''$  East, 816.18 feet to an easterly corner of the annexation to the City of San Jose entitled "Downer No. 5";

Thence leaving said easterly line of the "Downer No. 6" annexation and continuing along the easterly line of said "Downer No. 5" annexation and the lines of said 856 M 42, the following course:

(12) North  $13^{\circ}00'53''$  East, 702.11 feet to the southern corner of the annexation to the City of San Jose entitled "Edenvale No. 6";

Thence leaving said easterly line of the "Downer No. 5" annexation and continuing along the easterly line of said "Edenvale No. 6" annexation and the lines of said 856 M 42, the following course:

(13) North  $13^{\circ}00'53''$  East, 752.80 feet to the southerly line of the annexation to the City of San Jose entitled "Snell No. 4";

Thence leaving said easterly line of the "Edenvale No. 6" annexation and continuing along said southerly line of the "Snell No. 4" annexation and the lines of said 856 M 42, the following course:

(14) South  $89^{\circ}42'37''$  East, 4068.07 feet to the westerly line of the annexation to the City of San Jose entitled "Snell No. 8";

Thence leaving said southerly line of the "Snell No. 4" annexation and continuing along the westerly line of said "Snell No. 8" annexation and the lines of said 856 M 42, the following course:

(15) South  $00^{\circ}16'10''$  West, 1150.58 feet to the northwestern corner of the annexation to the City of San Jose entitled "Snell No. 10";

Thence leaving said westerly line of "Snell No. 8" annexation and continuing along the westerly line of said "Snell No. 10" annexation and the lines of said 856 M 42, the following course:

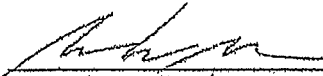
(16) South  $00^{\circ}16'10''$  West, 103.19 feet to the northerly line of that certain parcel of land described in the deed to Walter C. Lester-Life Estate, recorded January 28, 2004 as Document No. 17588463;

76734

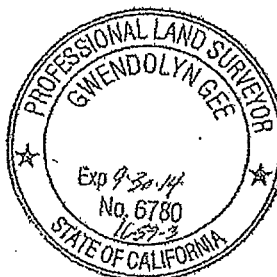
Thence leaving the westerly line of said "Snell No. 10" annexation and the lines of said 856 M 42 and continuing along the lines of the said Walter C. Lester-Life Estate parcel, the following three (3) courses:

- (17) South 89°25'39" West, 1110.21 feet;
- (18) South 00°34'37" West, 996.78 feet;
- (19) South 02°37'45" East, 205.93 feet to the POINT OF BEGINNING.

Containing 258.94 acres, more or less.

  
Gwendolyn Gee, PLS 6780  
County Surveyor, County of Santa Clara

Revision Date: APRIL 24<sup>TH</sup> 2013



*For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*

[illegible]

**County of Santa Clara**  
**Office of the County Assessor**

County Government Center  
70 West Hedding Street  
San Jose, CA 95110-1771  
Fax (408) 298-9446



Lawrence E. Stone, Assessor

**REPORT OF THE COUNTY ASSESSOR**

Date Report Prepared: **April 25, 2013**  
Title of Proposal: **Snell No. 30 (Martial-Cottle Park Annexation)**  
Type of Application: **Anx/Detach to City**  
Conducting Authority: **City of San Jose**

**1. Review of Proposal**

- a. Location: 258.94 AC +/- near Chynoweth Avenue & Highway 85
- b. Assessor's Parcel Numbers: 464-04-019, 464-06-020 & 464-06-022
- c. Respective Net value of assessed parcels as of July 1, 2012: \$0

**2. Conformity to Lines of Assessment or Ownership**

- ☒ Boundaries of proposal conform.
- ☐ Boundaries of proposal fail to conform to lines of assessment per attached map.
- ☐ Upon annexation, lines of assessment will no longer be split by TRA lines within this proposal.

**3. Special Districts**

Special districts within the proposed area include:

TRA 91-001	TRA
091-001 0105 OAK GROVE ELEM. SCHOOL	
091-001 0134 EAST SIDE UNION HIGH SCHOOL	
091-001 0201 SAN JOSE COMM. COLLEGE	
091-001 0215 BAY AREA JT(1,7,21,28,38,41,43,48,49,57) AIR QUALITY MGMT.	
091-001 0219 CENTRAL-ZONE NO. 01 FIRE PROTECTION	
091-001 0322 SANTA CLARA VALLEY COUNTY WATER	
091-001 0326 SANTA CLARA VALLEY-ZONE C-1 COUNTY WATER	
091-001 0335 SANTA CLARA COUNTY IMPORTATION WATER-MISC.	
091-001 0371 CENTRAL FIRE PROTECTION	
091-001 0376 SANTA CLARA VALLEY-ZONE W-4 COUNTY WATER	
091-001 0377 AREA NO. 01 (LIBRARY SERVICES), BENEFIT ASSESSMENT COUNTY SERVICE	
091-001 0378 AREA NO. 01 (LIBRARY SERVICES) COUNTY SERVICE	

Prepared By:

**Anita Badger, Property & Title Identification Technician**  
**(408) 299-5506    [anita.badger@asr.sccgov.org](mailto:anita.badger@asr.sccgov.org)**

David S. Wall

RECEIVED PUBLIC RECORD  
San Jose City Clerk

b

2013 OCT 17 PM 12:16

October 17, 2013

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: *Has Mayor Reed become "Captain Ahab" chasing the "white whale of employee vested rights?"***

**How much time is Mayor Reed spending on trying to unilaterally destroy employee vested rights?**

Dateline: City Desk [Thursday, (10.17.13)]. *Mayor Ahab, "It is time to turn your misguided boat around."*

Mayor Reed (a.k.a. Mayor Ahab) is out prancing and preaching around Washington D.C. on how to screw employees and retirees through the unilateral destruction of "employee vested rights." (Or is this a boisterously dressed-up gimmick predicated to "prop-up" his case for Measure B?)

His obsession with "employee vested rights" can be likened to the Herman Melville classic, "Moby Dick." In a modern adaptation Mayor Reed has become Captain Ahab and "employee vested rights" is his "Moby Dick."

In my opinion, Mayor Ahab should have been at the Rules and Open Government Committee yesterday [Wednesday, (10.16.13)] because (it is his job) and there was "No quorum" thus the business of the city had to be deferred. And Mayor Ahab, a lawyer, should not be advocating (and practicing) the dark art of unilaterally breaching contracts. *Has his honor exceeded the scope of his authority as Mayor?*

Below are a couple of quotes I found on the internet. Do they apply to Mayor Ahab?

### **"Chapters 121 - Epilogue**

Fate 16: Ahab is driven by something he cannot understand, and he decides to call it his fate. However, he is driven to stand up to the gods and his perceived injustice, and by doing so, he is creating his fate. Or does he? One of the largest questions presented by the novel is whether or not Ahab is doomed from the start to find Moby Dick and be destroyed by him, or if he could have chosen to go free at any point. Many opportunities are provided to Ahab to turn back, from the pleas of the Rachel, to Starbuck's desperate reasoning. Alongside these opportunities, there is a hint of doom in the air from the very start. The prophecies of Elijah, and the various dark omens that go unheeded, makes Ahab's journey seem inevitable, as if he is being pulled by a force out of his control." (<http://www.bookrags.com/notes/mob/QUO.html>)

"Quote 39: "Towards thee I roll, thou all-destroying but unconquering whale; to the last I grapple with thee; from hell's heart I stab at thee; for hate's sake, I spit my last breath at thee. Sink all coffins and hearses to one common pool! And since neither can be mine, let me then tow to pieces, while still chasing thee, though tied to thee, thou damned whale! *Thus*, I give up the spear!" Chapter 135, pg. 477" (<http://www.bookrags.com/notes/mob/QUO.html>)

*Respectfully submitted,*

Cc: City Attorney / City Auditor / City Manager

David S. Wall  
10.17.13

David S. Wall

PUBLIC RECORD C

RECEIVED  
San Jose City Clerk

2013 OCT 17 PM 12:15

October 17, 2013

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Why should Public Safety Dispatchers wear "uniforms?"**

**These honorable employees work virtually in "seclusion." Who "sees them?"**

**These honorable employees have a "very tough job." They should be "comfortable."**

**Wage, benefit cuts and being compelled to "purchase uniforms?" This is unjust.**

Dateline: City Desk [Thursday, (10.17.13)]. *Dump the uniform requirement or pay 100% of the costs.*

The archaic notion that Public Safety Dispatchers professionalism will suffer if they do not wear uniforms is poppycock.

Public Safety Dispatchers work in a secure area, they "know everyone," and they work long hours guiding our emergency personnel to save lives and to crush the criminal element. In my opinion, they should be able to dress "causally and comfortably."

When one is concerned with retaining valuable and necessary employees, as the aforementioned are routinely "stabbed in the back" via reduction in wages and benefits, having to "pay for uniforms" out of what money they have left is objectionable on the grounds that such a mandate is "burdensome and oppressive."

If the City mandates that it is absolutely necessary to have Public Safety Dispatchers "uniformed" then the City should pick-up 100% of the cost.

***Respectfully submitted,***

*David S. Wall*  
*10.17.13*

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Cc: City Attorney / City Auditor / City Manager



October 10, 2013

TO: STATE, CITY AND LOCAL OFFICIALS

NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY APPLICATION TO RECOVER FORECASTED COSTS ASSOCIATED WITH CALIFORNIA'S GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM FOR END-USERS OF NATURAL GAS (A.13-09-015)

RECEIVED

San Jose City Clerk

2013 OCT 15 PM 2:35

**Summary**

On September 30, 2013, Pacific Gas and Electric Company (PG&E) submitted an application to the California Public Utilities Commission (CPUC) to establish a mechanism to recover the costs associated with California's greenhouse gas (GHG) emissions reduction program for natural gas customers. If this application is approved, PG&E will recover approximately \$63 million in forecasted costs for GHG allowances required to comply with the state GHG emissions requirements, starting January 2015, as well as additional costs of a yet undetermined amount in subsequent years. The actual amount of costs to be recovered in 2015, and subsequent years, will depend on final regulations to be adopted by the California Air Resources Board (CARB) before 2015, as well as other factors.

PG&E expects to receive some revenues as part of this program. This revenue will be used to reduce the impact on rates as determined by the CPUC at a later date. PG&E will compare its forecasted costs each year to purchase GHG allowances with the actual costs of those purchases, and incorporate any over- or under-collection in the following year's rates.

**About the program to reduce GHG emissions**

Starting in 2015, the California GHG reduction program, which currently regulates emissions for electric generators, will expand to include most end-users of natural gas through their natural gas supplier. The CARB oversees the program and proposes to require gas utilities to comply with the regulations, including PG&E, through two mechanisms:

- PG&E will be required to purchase a number of GHG allowances to meet the GHG compliance obligation for its gas customers. PG&E will recover these purchase costs from customers through gas rates. Certain facilities, which are directly regulated by CARB, will not be charged these costs because they directly purchase their GHG allowances.
- PG&E will receive a certain number of allowances to sell for the benefit of its customers. The CPUC will determine how customers will benefit from these revenues in a future proceeding.

**How will PG&E's application affect me?**

If the application is approved, PG&E's rates and charges for natural gas service will result in an increase to gas rates of approximately two percent in 2015 for certain bundled core customers (those who receive gas, distribution and transmission service from PG&E). In addition, PG&E's rates and charges may increase in years that follow 2015, depending upon PG&E's GHG compliance obligation for those years. The final impact on rates, taking into account the expected revenue return, has not yet been determined. These rate changes will begin in January 2015, when the GHG emission reduction program expands to include end-users of natural gas, and will continue in subsequent years. A table presenting a more illustrative description of the impact of this application was included in a bill insert announcing this filing that was sent directly to customers in October and November.

If the CPUC approves PG&E's request, a typical residential customer using 37 therms per month would see an average monthly gas bill increase of \$0.67, from \$44.87 to \$45.54. A typical small commercial customer using 287 therms per month would see an average monthly gas bill increase of \$5.22, from \$266.68 to \$271.90. Individual customers' bill will differ.

**How do I find out more about PG&E's application?**

If you have questions about PG&E's application, please contact PG&E at 1-800-743-5000.

For TDD/TTY (speech-hearing impaired), call 1-800-652-4712.

Para más detalles llame al 1-800-660-6789 • 詳情請致電 1-800-893-9555

If you would like a copy of PG&E's application and exhibits, please write to PG&E at the address below:

Pacific Gas and Electric Company  
Greenhouse Gas (GHG) Natural Gas Cost Recovery Application  
P.O. Box 7442  
San Francisco, CA 94120

A copy of PG&E's application and exhibits are also available for review at the CPUC, 505 Van Ness Avenue, San Francisco, CA 94102, Monday–Friday, 8 a.m.–noon. PG&E's application (without exhibits) is available on the CPUC's website at [www.cpuc.ca.gov/puc](http://www.cpuc.ca.gov/puc).

**How does the CPUC's decision making process work?**

The application will be reviewed through the CPUC formal administrative law process. The application will be assigned to a CPUC Administrative Law Judge (ALJ). The ALJ presides over the proceeding, which may include evidentiary hearings often held in a proceeding to give parties of record an opportunity to present evidence or cross-examine witnesses. Members of the public may attend but not participate in these hearings. The hearings and documents submitted in the proceeding become part of the formal record that the ALJ relies upon in writing a proposed decision to present to the five-member Commission.

Any CPUC Commissioner may issue an alternate decision. The proposed and any alternate decision are acted upon at a CPUC voting meeting. When the CPUC acts on this application, it may adopt all or part of PG&E's request, modify it or deny the application.

If you would like to follow this proceeding or any other issue before the CPUC, you may utilize the CPUC's free and confidential subscription service. Sign up at: <http://subscribe.puc.ca.gov/>.

If you would like to learn how you can participate in this proceeding, or if you have comments or questions, you may access the CPUC's Public Advisor's website at [www.cpuc.ca.gov/puc](http://www.cpuc.ca.gov/puc) and click on "Public Advisor" from the CPUC Information menu. You can also:

Email: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)  
Mail: Public Advisor's Office  
505 Van Ness Avenue, Room 2103  
San Francisco, CA 94102

Call: 1-415-703-2074 or 1-866-849-8390 (toll-free)  
TTY 1-415-703-5282 or 1-866-836-7825 (toll-free)

If you are writing or emailing the Public Advisor's Office, please include the application number (A.13-09-015). All comments will be circulated to the Commissioners, the assigned ALJ and the CPUC staff.

**Carrillo, Kathy**

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**From:** City Clerk  
**Sent:** Wednesday, October 16, 2013 2:27 PM  
**To:** Rules and Open Government Committee Agendas; Carrillo, Kathy  
**Subject:** FW: Urban village land use

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**From:** Ferguson, Jerad  
**Sent:** Wednesday, October 16, 2013 2:22 PM  
**To:** City Clerk  
**Subject:** FW: Urban village land use

I am not sure if you received this request, but he would like this letter entered into the public record.

Thanks,  
Jerad

**Jerad Ferguson**

*Policy & Legislative Advisor*  
Office of Councilmember Pete Constant  
San José City Councilmember, District 1

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**From:** brian darby [mailto: ]  
**Sent:** Tuesday, October 15, 2013 1:23 AM  
**To:** The Office of Mayor Chuck Reed; District1; District2; District3; District4; District5; District 6; District8; District9; District 10  
**Subject:** Urban village land use

October 14, 2013

Brian Darby

544 Dry Yard Drive

San Jose, CA 95117

Dear City Council Members;

Please forgive my "mass email" I am one person just voicing my concern, I work three jobs just to try to make ends meet so I don't have time, and I am not the sharpest knife in the drawer, I just care about my neighbors, they are good folks and I want to see their concerns met. I know you get a great deal of email and it can be overwhelming but I want you to consider this, just how overwhelmed we are concerning our living situation. So I offer this email and I hope it will spark some conversation. I am going to send a copy to the city clerk hoping the clerk will put it in the next council packet. Thanks

First, I would like to offer some demographics concerning the people who live at Winchester Mobile Home Park. This is an email sent to councilperson Pete Constants

"Dear Mr. Constant,

As you know, the landowner, Cali/Arioto LLC, is in negotiations to sell Winchester Ranch Mobile Home Community to Pulte Homes as a site for development, most likely of a huge condominium complex. Such a situation can be considered from various angles, most of which involve the financial, environmental, and physical impacts of making such a change. However, it is at least equally important to make sure that the human impacts are not overlooked or minimized.

The Winchester Ranch Community is a top-class seniors-only park, with high quality wooden (not metal) houses, wide well-maintained streets, beautiful well-kept landscaping, in an established neighborhood with a complete range of amenities within walking distance for the residents. Among the homeowner/residents, there are 8 who are over 90 years old; 31 are between 80 and 90; 54 are between 70 and 80; 43 are between 60 and 70; and 19 are between 55 and 60. Four of the homeowners are helped by live-in or part-time caretakers; 37 suffer from disabilities or handicaps. Sixty of them live alone, 80 live with one other person, and there are 15 living with two others. Based upon the Santa Clara county median income standard, 28 are classified as "low income"; 31 as "very low income"; and 22 as "extremely low income". Altogether, this is 76% of the homes which are "low income" or worse. There are 24 homeowners who rely on Social Security alone for income; 62 who have Social Security and one other income source; and others who have no Social Security and rely on pensions or savings and investments. A few are still working full or part time.

The residents own their homes, and rent spaces from the landowner. These are not "mobile homes". They are double-wide and triple-wide manufactured houses, which were built in sections in a factory, and transported to their sites in 1976, where they were assembled, with the intent that they would be permanent. When someone buys a home in this type of manufactured home park, there is an implicit guarantee that the arrangement is permanent. No one would spend \$100,000 to \$250,000 for a home with the constant threat that it might only be temporary. Once such manufactured homes are in place, they are not meant ever to be moved. They are as permanent as the site-built homes in the surrounding neighborhoods. Regardless of state legislation or city ordinances which purport to protect these homeowners, and which provide that the homes be "relocated", there can be no relocation. It is a physical and practical impossibility.

First, consider what is involved in moving a double-wide or triple-wide manufactured home after it has been in one location for decades. All of the gas lines, electrical connections, air conditioners, furnaces, water heaters, telephones, internet connections, and plumbing to and from the kitchen and all of the bathrooms - all must be disconnected. The range and ovens, refrigerator, laundry machines, all of the furniture, the decorating items, books and bookshelves, and all personal possessions must be removed, and shipped separately to some new location.

After the home is empty, it must be cut apart into sections which are 10 to 12 feet high and 12-feet wide, in lengths which will fit on special flat bed trucks. Because of its unusual size and shape, this type of wide-load requires special routing and possibly a police escort. Each double-wide would create at least two truckload trips and likely more. The triple-wides would obviously require even more trips. For a park such as Winchester Ranch, with over 100 manufactured homes, this would total at least 250 truckloads of dismembered houses. Then there is the question of where to take those 250+ truckloads. Realistically, this simply cannot be done, and it never will be done. There is no vacant mobile home park waiting for 250 truck-loads of dismembered houses. There is not even a fraction of that many available spaces in all of San Jose. (over)

Furthermore, if San Jose approves of our being forced out of one mobile home park, what sane, intelligent person would trust that another mobile home park in the same city would not also soon be closed? If this top-class park is not protected, there certainly is no reason to believe that any other park would be. San Jose already has over 15,000 low-income citizens receiving Section Eight housing assistance, which is now being cut drastically, with over 30,000 on the wait list. What would San Jose do with our community? Obviously, San Jose could not and would not help them. The displaced residents would end up scattered all over northern California, wherever they could individually find an affordable location, if they even could do so.

The truth is that if our park is closed, the houses here will be bought as they stand, and after the people have been disposed of, the homes will be bulldozed into rubbish, and hauled away to clear the land. The money spent buying those homes cuts into the profit margin of the purchasing developers, so they will offer as little as possible to the homeowners. All that is provided by the law is that the price is negotiable. Under the very best circumstances, homeowners might recover some majority of their financial investment. What is worse, the law makes no provision for compensation for the years of effort invested in making the house a unique haven for its owners. There is no provision for compensation for the loss of community, for the loss of ready access to friends and neighbors, for not being allowed to have their pets in a new location, nor for being forced to find a new doctor, a new dentist, a new hairdresser or barber, a new grocer, a new bank, a new auto mechanic, and all else of that which makes up one's daily life. In the case of a senior park such as Winchester Ranch, many of the resident owners have decades of relationships with all of these. At age 70 or 80 or 90, how can they then be forced to start over somewhere else? This may be legal, but it is unjust, immoral, and unethical. It is simply wrong.

Who would knowingly treat their own mother or father, aunt or uncle, grandmother or grandfather, or any older acquaintance in this way? The homeowners of Winchester Ranch Community are all of these to someone. They also are people who have done their duty for society, and now deserve to retire in peace and safety to enjoy whatever fruits of their labors they have been able to save. They are retired military veterans, educators, nurses, social workers, construction workers, engineers, attorneys, small business owners, and represent many other occupations. Are their concerns not still important? Do they not still matter?

Please read these homeowners' stories, and hear their voices, and consider whether it is right to forcibly expel them from their retirement homes, destroy their community, and scatter them to the four winds as if they are unworthy members of society.

Dave Johnsen, President      Ray DeBenedettto, Vice President      Mary Kuykendall, treasurer

Ruth Greathouse, Secretary      Davlyn Jones, at-large-member

Mari Jo Pokriot, at-large-member      John Dowling, at-large-member

[illegible]

several of our neighboring streets. They do not "feel" heard. In the planning process, it seems that the city would reach out to the existing neighborhoods and listen, intently, to their concerns because these people live there. This has not been their experience from my limited experience. It was interesting that the only three mobile home parks included in the urban village concept were senior citizen mobile home parks, I found that interesting, if my information is correct.

I do not wish to limit the rights of any landowner to sell, develop, change their property description but mobile homes are a unique situation, especially when the residents own the mobile homes. We are not allowed to rent our mobile homes to other people; we cannot have roommates unless they are significant others or family members, and we cannot sublet our mobile homes. This means we are stuck during this process. Most of us cannot afford to maintain our rent at our current residence and look for other affordable housing while this process continues. This is a unique situation because a great deal of concern to the people who reside here. When it was evident that our mobile home park is being sold; the volume of our homes went to zero. I lost any equity I had after many years of paying off this mobile home.

There has not been a conversion of a mobile home park in San Jose for the past 30 years so there is no precedent, as I understand it concerning this type of transaction. You would think that would give a pause to any such transaction. It has been my experience that the city just wants to build, build, build, build, build, and build. Many other residents of other neighborhoods have felt the same way, they were not notified when building was going to take place and they did not feel they had adequate outreach. The city followed the letter of the law but not the spirit. The only reason our organization became aware of any change of zoning was because we received one notice in one mailbox that happened to be included in the zoning area. We would not have had a clue if they did not happen. You would think when a city is planning to rezone a rather large parcel they would take more care in informing those that are directly affected. That did not happen, and it has not happened in many situations concerning the urban village concept.

Another area is that the city of San Jose has expressed concerns for affordable housing, senior housing, and centrally located housing in key areas of San Jose. Our mobile home park meets all of those qualifications and it does not cost the city a penny, this community is already in place and meets the needs of the residents that live here. A rezoning and potential mobile home park conversion would drastically change that equation. If the city is truly dedicated to these listed goals you would think that they would take a look at our situation. They did not even know we exist in when the situation first became evident, and they do not have a clue how to deal with this, and from my personal experience some of them do not wish to deal with us.

From my experience, the residents in this area have not felt adequately represented, many of us cannot make it to the many meetings that are required. Some of us, including me, feel extremely intimidated through this process as our "landlord" hold most of the cards and those that they do not hold a can purchase. Of course, that is not fact that is just dealing and I understand the difference but many of the people who reside here are literally terrified of what will happen to them if the mobile home park is sold. I could offer a great deal of more documentation but I am just trying to get these concerns listed on the public record so I'm sending in them to everybody that is involved in the decision-making process. I am not a lawyer, politician, or big fish. I am just one person who resides in San Jose who wants to keep his home and protect his neighbors. That used to mean something, I am questioning if it means much anymore. I would like this put in the public record of all of the agencies I send it to.

Sincerely Brian Darby phone number [REDACTED]

**Carrillo, Kathy**

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**From:** Schmanek, Gloria  
**Sent:** Wednesday, October 16, 2013 12:04 PM  
**To:** Rules and Open Government Committee Agendas  
**Subject:** FW: Mobile home sale

Forwarding to be included in the Public Record per the message below.

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**From:** brian darby [mailto: [REDACTED]]  
**Sent:** Monday, October 14, 2013 1:08 AM  
**To:** Webmaster Manager  
**Subject:** Mobile home sale

Dear City Manager Debra Figone

My name is Brian Darby I live at Winchester Mobile Home Park, I lived here for a long time in helping to care for my sister and mother whom both died of cancer. It was not possible for me to live in a separate place and maintain the financial support I gave so I moved in. I came to call this park home. Both my sister and mother died from Cancer and I am left with the mobile home. It is a very nice community and I settled down after so many years of caring for my family members and hoped to have a home. The park owners are selling the park, which is their right to do, and it is not to keep the mobile home park as it is. It is to build high density housing and retail in some form like in Santana Row. This is a unique part of San Jose, affordable housing for seniors, self-sustaining, deeply rooted community, and low impact on city services. The problem is it is in the way of progress and in the way of development. That seems to be a crime in this city from my observations. We were at one time a great community of vibrant seniors and now we are the enemy. That is how some of us feel.

I agree the land owner has rights, and they have the right to sell the land, but the city, and the state of California had statues to protect the mobile home owner as well. Back when Santana Row was built my mother asked me "do you think they will sell this park?" My first response was the nano second or faster when it is profitable to do so, with a vengeance. She looked at me a bit scared so I back peddled and said no it will be here for decades. But I knew yes they would money talks and walks it always, and I do mean always and in every single situation, always does. (Added for emphasis) .

An aside your mission statement

"The Mission of the City of San José is to provide quality public services, facilities and opportunities that create, sustain, and enhance a safe, livable, and vibrant community for its diverse residents, businesses, and visitors."

I understand mission statements are basically useless and have utterly no meaning. That is my personal experience. What has meaning, cash, but I am cynical. I also could be wrong. I hope I am. This park is a unique place to live, of the 20+ mobile home parks that reside in San Jose, it is my understanding that only the three senior only parks are in the urban villages and slotted for some type of restructuring or redevelopment. I could be wrong about that but this was based on some research an active neighbor had done on this subject. There are residents here that could literally die if they are forced to relocate. That is not some hyperbole it is my opinion based on my experience in the field I work in. I have worked with the elderly and disabled for all of my adult life and entrenched living situations that change can lead to horrible stress and even physical and medical issues. I think that is obvious.

I agree the city has no control over the sale of land between two parties and I agree with that. The land owner has rights, but under several ordinances both state and local so do the mobile home owners. We live in terror everyday as to what will happen, we are scared because most of us have sunk all we had into these homes. I wish I did not but I did not make

enough money to be able to live in both places. That is a sin I will carry on my soul into eternity. Trust me it is a sin and is made evident in our society, on a daily basis. I bring this as a citizen of San Jose, my concern is that the city council honor its vision statement. Something's are worth saving, building over the past in spite of the past is not healthy. If I would I would come to the City Council meeting and beg you but I work several jobs and can't make it to all meetings. I usually assume these types of letters are deleted on receipt or ignored on their face. That has been my experience in these situations, but I wanted to write about my concern. I want to be part of this process, I want to see an equitable solution. I will admit, I am afraid, as are many of my fellow residence to get involved. We don't want to make the council angry or in some way not hear our case. It's strange being afraid of our elected officials, I can tell you I am, literally terrified. I just want my voice heard in these matters, but I can't make it to city hall to do so. It has also been my experience that during those two minutes one is totally and absolutely ignored. That could be emotional on my part but I am just trying to keep my home.

Thank you Brian Darby [REDACTED]

If you could include this in the packets of the next city council I would appreciate it, this is what I was told to do to make sure at least this makes it on the public record